

Serial No. 10/622,827

Attorney Docket No. 26D-008

**REMARKS**

Claims 1-10 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

The word "deforms" has been changed to "deformed" in claims 1 and 10 to correct a minor grammatical error.

Claims 1-6 and 10 were rejected under 35 USC 102(b) as being anticipated by Heckman. The applicants respectfully request that this rejection be withdrawn for the following reasons.

The cap device of claim 1 includes a plate attachment mechanism that rotatably attaches a torque member to a closer. The plate attachment mechanism is configured such that the torque member is mounted to engage with the upper portion of the closer in the axial direction of the closer, and part of the torque member is elastically deformed by an external force applied to a handle mechanism, thereby detaching the torque member from the closer. More specifically, the torque member will separate from the closer as a result of the interlocking claws (97 in the illustrated embodiment) and an interlocking recess (21c in the illustrated embodiment) when external force is applied to the handle mechanism.

Heckman discloses a structure where rotational torque applied to a handle 40 is transmitted to a closer via the engagement of first and second engagement elements 120 and 130 in the radial direction. The first and second engagement elements 120 and 130 are not configured to break away or separate under an external force to detach a torque member 100 from the closer. Instead, these elements are designed to transmit rotational torque from the torque member 100 to the closer. Thus, Heckman fails to show or suggest the structure of the claimed plate attachment mechanism.

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In the cap of the Heckman patent, a structure that breaks away by external force is a thin wall part of a shelf region 131. The "first engagement element" 120 and "second engagement element" 130 in Heckman respectively correspond to clutch arms 93 and first clutch teeth 75 of the illustrated embodiment.

Therefore, the patent to Heckman fails to disclose or suggest the features of claims 1-6 and 10. In particular, regarding claim 1, the patent to Heckman fails to show a plate attachment mechanism that rotatably attaches the torque member to the closer, wherein the plate attachment mechanism is configured such that the torque member is mounted to engage with an upper portion of the closer in an axial direction of the closer, and part of the torque member is elastically deformed by an external force applied to the handle mechanism, thereby detaching the torque member from the closer. Claims 2-6 depend on claim 1 and are thus likewise distinguished from the Heckman patent.

As for claim 10, the patent to Heckman fails to show a plate attachment mechanism that rotatably attaches the torque member to the closer, wherein the plate attachment mechanism is configured such that part of the closer is elastically deformed by an external force applied to the handle mechanism, thereby detaching the torque member from the closer.

Claims 7-9 were rejected under 35 USC 103(a) as being unpatentable over Heckman in view of Crute. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claims 7-9 depend, directly or indirectly, on claim 1. Therefore, for the reasons given above with respect to claim 1, claims 7-9 are considered to be patentable based on their dependency.

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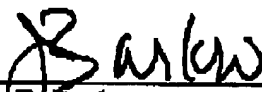
In addition, the patent to Crute fails to supply what is missing in the Heckman patent. That is, the patent to Crute fails to show a plate attachment mechanism configured such that the torque member is mounted to engage with an upper portion of the closer in an axial direction of the closer, and part of the torque member is elastically deformed by an external force applied to the handle mechanism, to detach the torque member from the closer.

Further, it would not have been obvious to combine Hackman and Crute. There is no reason why one of ordinary skill in the art would add the disk shaped frangible "torque member" 50 of Crute to the cap of Heckman, since the Heckman cap already has a disk shaped frangible member 131.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

  
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